

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2015-O-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO APPROVING THE FIRST AMENDMENT
TO THE DRY CREEK CORPORATE CENTER ANNEXATION AND
DEVELOPMENT AGREEMENT**

WHEREAS, the City and United Properties of Colorado LLC, a Colorado limited liability company (“United”) are parties to that certain Annexation and Development Agreement for the Dry Creek Corporate Center dated August 18, 2014 (the “Annexation Agreement”); and

WHEREAS, the Annexation Agreement was approved by the City pursuant to Ordinance No. 2014-O-38 dated August 18, 2014, and was recorded on October 24, 2014 at Reception No. D4100491 in the real property records of Arapahoe County, Colorado; and

WHEREAS, by that certain Assignment and Assumption of Annexation and Development Agreement dated October 28, 2014 and recorded on November 5, 2014 at Reception No. D4104365 in the real property records of Arapahoe County, Colorado, United assigned its interest in the Annexation Agreement to Dry Creek Venture, LLC, a Delaware limited liability company (“Dry Creek Venture”) and Dry Creek Venture assumed all of United’s right, title and interest in, and all of United’s obligations and liabilities arising and to be performed under the Annexation Agreement; and

WHEREAS, paragraph XV.L. of the Annexation Agreement requires that any amendment to the Annexation Agreement must be in writing and signed by both parties; and

WHEREAS, Dry Creek Venture has requested certain modifications to the Illustrative Plan which is attached to the Annexation Agreement as **Exhibit I**; and

WHEREAS, Dry Creek Venture and the City desire to amend the Annexation Agreement in order to replace the Illustrative Plan attached to the Annexation Agreement with an updated Illustrative Plan; and

WHEREAS, the City and Dry Creek Venture have agreed on other minor clarifying amendments to the Annexation Agreement, which are set forth with particularity in the proposed First Amendment to the Annexation Agreement (the “First Amendment”), including allowing the Dedicated ROW Area (as that term is defined in the Annexation Agreement) to be dedicated and conveyed to the City by and through the recording of the administrative replat contemplated in paragraph IV.A. of the Annexation Agreement; and

WHEREAS, public notice has been properly given regarding City Council’s consideration of the First Amendment by publication in *The Villager*, a newspaper of general circulation within the City of Centennial; and

WHEREAS, a copy of the proposed First Amendment is on file with the City Clerk’s office and is incorporated herein by reference; and

WHEREAS, City Council desires to approve the First Amendment; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the 2011 LDC by setting a public hearing in order to provide Dry Creek Venture and the public an opportunity to present testimony and evidence regarding this matter. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed First Amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Approval of First Amendment. The City Council hereby approves the First Amendment, a copy of which is on file with the City Clerk's office, and authorizes the Mayor to execute the First Amendment on behalf of the City.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ____ DAY OF _____, 2015.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

Approved as to Form:

For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of _____, 2015 and ordered published one time by title only in *The Villager* newspaper on _____, 2015, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: _____
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE ____ DAY OF _____, 2015, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of _____, 2015, and ordered published by title only, one time by *The Villager* newspaper on _____, 2015 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: _____
City Clerk or Deputy City Clerk

Published in full on the City of Centennial website, www.centennialcolorado.com, on Friday, January 30, 2015.

/s/ Barbara Setterlind, CMC, City Clerk

